

Senate File 2089 - Introduced

SENATE FILE 2089

BY McCOY

A BILL FOR

1 An Act requiring electronic monitoring for certain bailable
2 defendants who commit domestic abuse or violate no-contact
3 or protective orders.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 664A.7, subsection 5, Code 2016, is
2 amended to read as follows:

3 5. a. Violation of a no-contact order entered for the
4 offense or alleged offense of domestic abuse assault in
5 violation of section 708.2A or a violation of a protective
6 order issued pursuant to chapter 232, 235F, 236, 598, or 915
7 constitutes a public offense and is punishable as a simple
8 misdemeanor. Alternatively, the court may hold a person
9 in contempt of court for such a violation, as provided in
10 subsection 3.

11 b. A person arrested for a violation of a no-contact order
12 for the offense or alleged offense of domestic abuse assault in
13 violation of section 708.2A, or for a violation of a protective
14 order issued pursuant to chapter 236, shall be subject to
15 electronic tracking and monitoring upon release as provided in
16 section 811.2A, subsection 1.

17 Sec. 2. Section 708.2A, Code 2016, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 11. A person arrested for a violation
20 of this section shall be subject to electronic tracking
21 and monitoring upon release as provided in section 811.2A,
22 subsection 2.

23 Sec. 3. Section 811.2, subsection 1, paragraph a,
24 unnumbered paragraph 1, Code 2016, is amended to read as
25 follows:

26 ~~All~~ Subject to the additional requirement of release
27 provided for in section 811.2A, all bailable defendants shall
28 be ordered released from custody pending judgment or entry
29 of deferred judgment on their personal recognizance, or upon
30 the execution of an unsecured appearance bond in an amount
31 specified by the magistrate unless the magistrate determines
32 in the exercise of the magistrate's discretion, that such
33 a release will not reasonably assure the appearance of the
34 defendant as required or that release will jeopardize the
35 personal safety of another person or persons. When such

1 determination is made, the magistrate shall, either in lieu
2 of or in addition to the above methods of release, impose
3 the first of the following conditions of release which will
4 reasonably assure the appearance of the person for trial or
5 deferral of judgment and the safety of other persons, or, if
6 no single condition gives that assurance, any combination of
7 the following conditions:

8 Sec. 4. NEW SECTION. **811.2A Conditions of release —**
9 **electronic tracking and monitoring requirement.**

10 1. Upon release, a bailable defendant who has been
11 charged with violating a no-contact order or protective order
12 specified in section 664A.7, subsection 5, paragraph "b",
13 or alternatively was held in contempt of court for such a
14 violation, and who was previously convicted of a domestic abuse
15 assault in violation of section 708.2A, shall be supervised by
16 an electronic tracking and monitoring system in addition to any
17 other conditions of release.

18 2. Upon release, a bailable defendant who has been charged
19 with domestic abuse assault in violation of section 708.2A
20 and who was previously convicted of a domestic abuse assault
21 in violation of section 708.2A, shall be supervised by an
22 electronic tracking and monitoring system in addition to any
23 other conditions of release.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill requires electronic monitoring for certain
28 bailable defendants who commit domestic abuse or violate
29 no-contact or protective orders.

30 The bill creates new Code section 811.2A.

31 Code section 811.2A(1) under the bill specifies that a
32 bailable defendant under Code section 811.2, who has been
33 charged with a violation of a no-contact order for the offense
34 or alleged offense of domestic abuse assault in violation
35 of Code section 708.2A, or for a violation of a protective

1 order issued pursuant to Code chapter 236 (domestic abuse)
2 shall be required to be supervised by an electronic tracking
3 and monitoring system in addition to any other conditions of
4 release, if the person has a previous conviction for domestic
5 abuse assault in violation of Code section 708.2A.

6 Code section 811.2A(2) under the bill specifies that a
7 bailable defendant who has been charged with domestic abuse
8 assault in violation of Code section 708.2A and who has a
9 previous conviction for domestic abuse assault in violation
10 of Code section 708.2A, shall be supervised by an electronic
11 tracking and monitoring system in addition to any other
12 conditions of release.